

BILL NO. Z-87-06-34

ZONING MAP ORDINANCE NO. Z

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. F-2.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is
hereby designated a B-3-B (General Business) District under
the terms of Chapter 33 of the Code of the City of Fort
Wayne, Indiana of 1974:

Part of Lot 12 Edsall's Subdivision to the City of Fort
Wayne, Indiana, being more particularly described as
follows:

Commencing at the northwest corner of Lot 12 Edsall's
Subdivision; thence South along the West line of Lot 12
a distance of 241.0 feet; thence East and parallel with
the North line of said Lot 12 a distance of 120.0 feet;
thence North and parallel to the West line of Lot 12 a
distance of 241.0 feet to the North line of Lot 12
Edsall's Subdivision; thence West along the North line
of Lot 12 a distance of 120.0 feet to the point of
beginning. Subject to Illinois Road (State Road 14)
right of way and subject to an easement over the East
25.0 feet of the above described property for street
purposes.

and the symbols of the City of Fort Wayne Zoning Map No.
F-2, as established by Section 11 of Chapter 33 of the Code
of the City of Fort Wayne, Indiana are hereby changed
accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.

Janet G. Bradbury
Councilmember

APPROVED AS TO FORM AND LEGALITY:

Bruce O. Boxberger
BRUCE O. BOXBERGER, CITY ATTORNEY

RECEIPT

No 1200

~~Receipt~~ CK# 3063
COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND.,

5-18 1987

RECEIVED FROM

S.O. Langford & Assoc.

\$

50.00

THE SUM OF

fifty 00/100

DOLLARS

ON ACCOUNT OF

4601 & 4605 Illinois Rd.


AUTHORIZED SIGNATURE

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We Scott Lougheed
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an RA District to a/an B3B District the property described as follows:

See Survey Attached

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

4601 Illinois Rd. & 4605 Illinois Road

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Robin Lougheed

3521 Saginaw Dr.

Scott Lougheed
(Name)

3521 Saginaw Dr.
(Address)

Robin Lougheed
(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Scott Lougheed
(Name)

3521 Saginaw Dr. , 46802
(Address & Zip Code)

219/ 432-1266
(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/ 427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

OWENS

RUSSELL ASSOCIATES

1402 EAST STATE BLVD.
FORT WAYNE, IN. 46805
PHONE: 484-7500

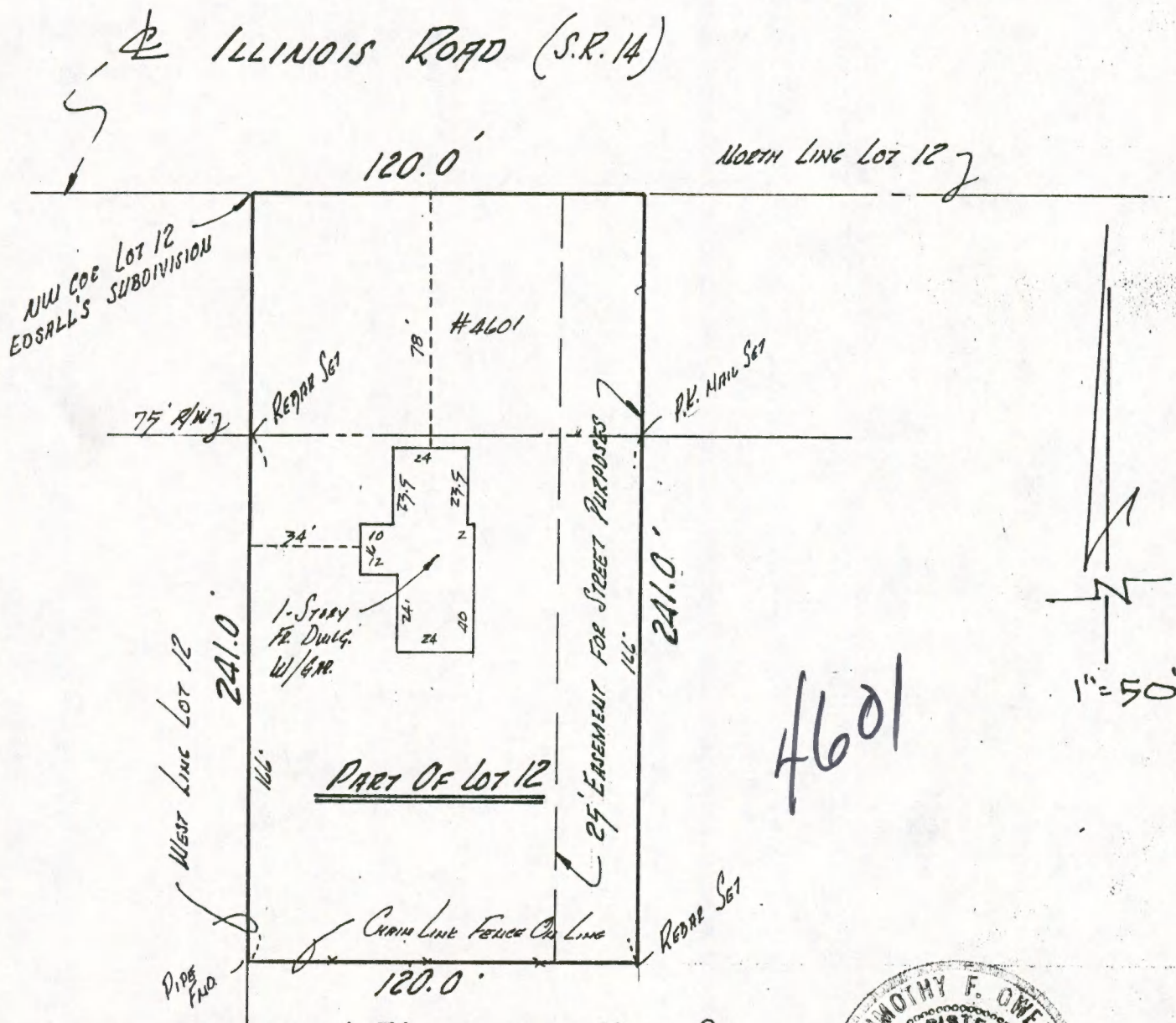
CERTIFICATE OF SURVEY

The undersigned Land Surveyor, registered under the Laws of the State of Indiana, hereby certifies that he has made a resurvey of the real estate described and shown below, that measurements were made and monuments were set in conformity with records on file in the office of the Recorder of ALLEN County, Indiana and that any encroachments or discrepancies found on said real estate are shown below.

Legal description of real estate:

Part of Lot 12 Edsall's Subdivision to the City of Fort Wayne, Indiana, being more particularly described as follows:

Commencing at the northwest corner of Lot 12 Edsall's Subdivision; thence South along the West line of Lot 12 a distance of 241.0 feet; thence East and parallel with the North line of said Lot 12 a distance of 120.0 feet; thence North and parallel to the West line of Lot 12 a distance of 241.0 feet to the North line of Lot 12 Edsall's Subdivision; thence West along the North line of Lot 12 a distance of 120.0 feet to the point of beginning. Subject to Illinois Road (State Road 14) right of way and subject to an easement over the East 25.0 feet of the above described property for street purposes.



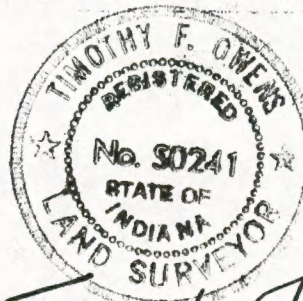
THE ABOVE DESCRIBED PROPERTY LIES WITHIN ZONE C
AREA AS SHOWN IN THE F.I.R.M. BOUNDARY MAPS
COM. No. 180003-0020B APRIL 3, 1985.

FOR THE EXCLUSIVE USE OF:

JENKINS / HIRES

DATE DECEMBER 31, 1986

JOB NO. 1286-62



Timothy F. Owens

CIVIL ENGINEERS LAND SURVEYORS LAND PLANNERS



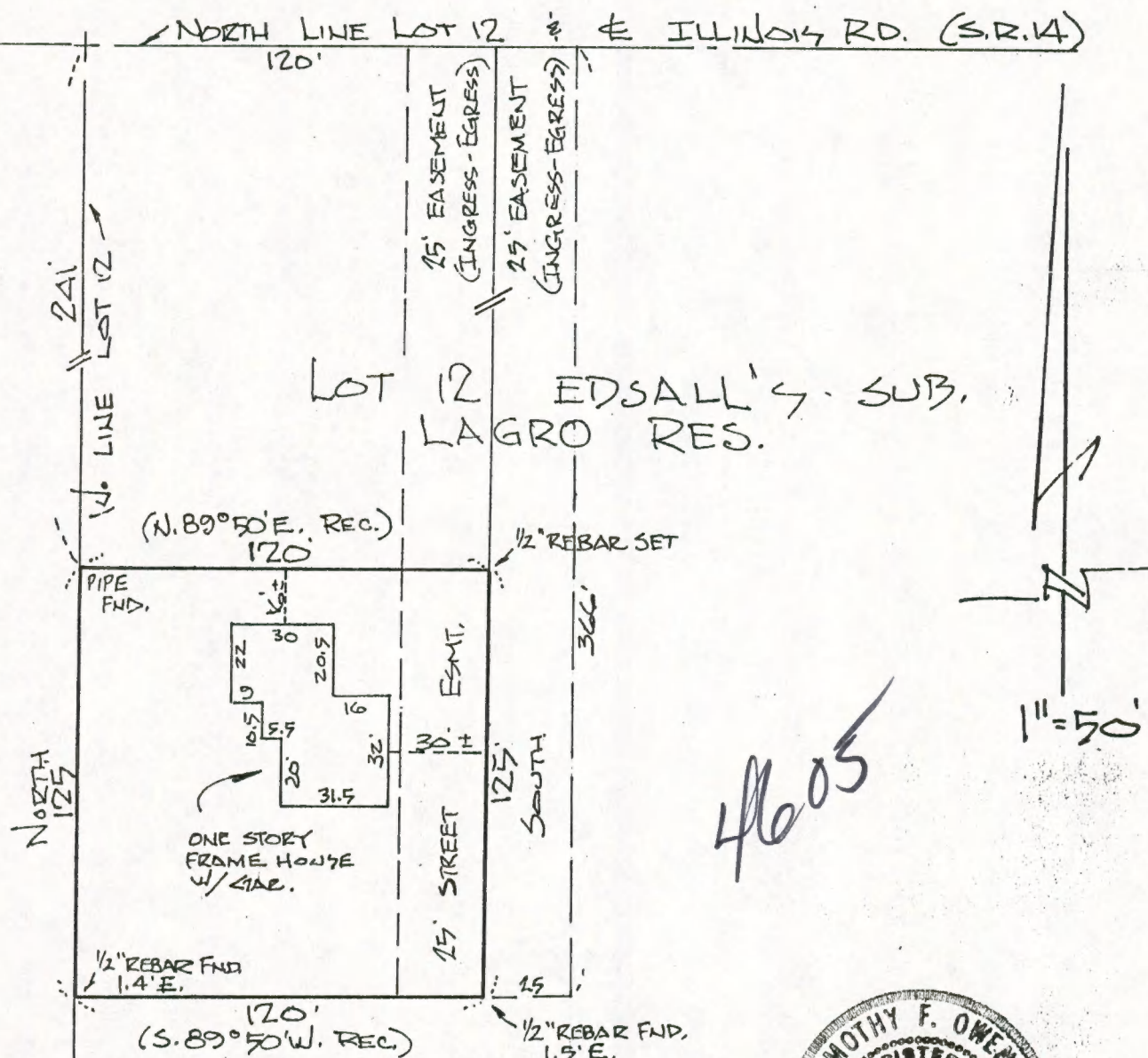
CERTIFICATE OF SURVEY

The undersigned Land Surveyor, registered under the Laws of the State of Indiana, hereby certifies that he has made a resurvey of the real estate described and shown below, that measurements were made and monuments were set in conformity with records on file in the office of the Recorder of ALLEN County, Indiana and that any encroachments or discrepancies found on said real estate are shown below.

Legal description of real estate:

Part of Lot 12 Edsall's Subdivision, an addition to the City of Fort Wayne as recorded in Deed Record 30, page 160, Allen County, Indiana.

Commencing at a point on the West property line of said Lot 12 as now established and 241.0 feet South of the northwest corner of said Lot 12; thence North 89 deg. 50 min. East 120.0 feet to a point; thence South 125.0 feet to a point; thence South 89 deg. 50 min. West 120.0 feet to a point located on the West line of said Lot 12; thence North 125.0 feet to the point of beginning; subject to an easement for street purposes over the East 25 feet thereof and together with an easement for purposes of ingress and egress to the above described real estate over, across and upon the East 25 feet of the West 120 feet of the North 241 feet of said Lot 12 and over, across and upon the East 25 feet of the West 145 feet of the North 366 feet of said Lot 12 in Edsall's Subdivision of LaGro Reserve.



THE ABOVE DESCRIBED PROPERTY LIES WITHIN ZONE C
AREA AS SHOWN IN THE F.I.R.M. BOUNDARY MAPS
COM. No. 180003-0020B APRIL 3, 1985.

FOR THE EXCLUSIVE USE OF:

TACKETT / LOUGHEED

DATE DECEMBER 31, 1986

JOB NO. 1286-63



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 23, 1987, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-06-34; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 15, 1987.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

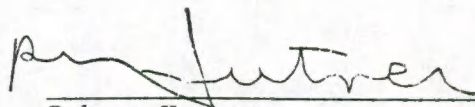
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held December 28, 1987.

Certified and signed this
4th day of January 1988.



Robert Huthner
Secretary

ORIGINAL

Admn. Appr. _____

COUNCILMANIC DISTRICT No. _____

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE _____

Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE _____

Land Use Management - CD&P

SYNOPSIS OF ORDINANCE _____

4601 & 4605 Illinois Road

3-87-0634

EFFECT OF PASSAGE _____

Property is now zoned RA - Suburban Residential.

Property will become B-3-B - General Business District.

EFFECT OF NON-PASSAGE _____

Property will remain RA - Suburban Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____)

FACT SHEET

Z-87-06-34

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment
From RA to B-3-B

APPROVAL DEADLINE**REASON****DETAILS****Specific Location and/or Address**

4601 & 4605 Illinois Road

Reason for Project

Development for commercial rental property.

Discussion (Including relationship to other Council actions)15 June 1987 - Public Hearing

Scott Lougheed, owner and petitioner, stated that he was requesting the rezoning in order to develop the property into commercial rental properties. He stated that the staff had recommended the request be perfected to a B-1-B and he had no problem with that perfection.

28 December 1987 - Business Meeting

At the June 22, 1987 Business Meeting the Commission recommended DO PASS with several conditions. (See list of conditions in attached staff report.) The petitioner was then notified of the recommendation and conditions and given six months to meet the conditions or the Commission would reconsider their recommendation. The petitioner did not meet the conditions within the six month period. Mr. Lougheed was notified by registered mail that the Commission would reconsider its recommendation of DO PASS at the December 28th Business Meeting and would consider recommending DO NOT PASS. Mr. Lougheed informed staff that he did not

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents**

Applicant(s)
Scott Lougheed
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

**Staff
Recommendation**☐ For ☒ Against

Reason Against

**Board or
Commission
Recommendation**

By

☐ For ☒ Against
☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS
(For Council
use only)**

<input type="checkbox"/> Pass	<input type="checkbox"/> Other
<input type="checkbox"/> Pass (as amended)	<input type="checkbox"/> Hold
<input type="checkbox"/> Council Sub.	<input type="checkbox"/> Do not pass

DETAILS

intend to develop the property at this time and he would not be complying with the conditions of the Commission.

Motion was made at the December 28th Business Meeting and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation.

Of the eight members present seven (7) voted in favor of the recommendation one (1) did not vote, motion to deny carried.

POLICY/ PROGRAM IMPACT

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 15 May 1987

Projected Completion or Occupancy

Date 4 January 1988

Fact Sheet Prepared by

Patricia Biancaniello

Reviewed by

Date

Reference or Case Number

BILL NO. Z-87-06-34

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City
of Fort Wayne Zoning Map No. F-2

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~) Do Not Pass

YES

NO

Janet G. Bradbury JANET G. BRADBURY
CHAIRPERSON

Mark E. GiaQuinta MARK E. GIAQUINTA
VICE CHAIRMAN

Charles B. Redd CHARLES B. REDD

David C. Long DAVID C. LONG

Paul M. Burns PAUL M. BURNS

CONCURRED IN 1-12-88

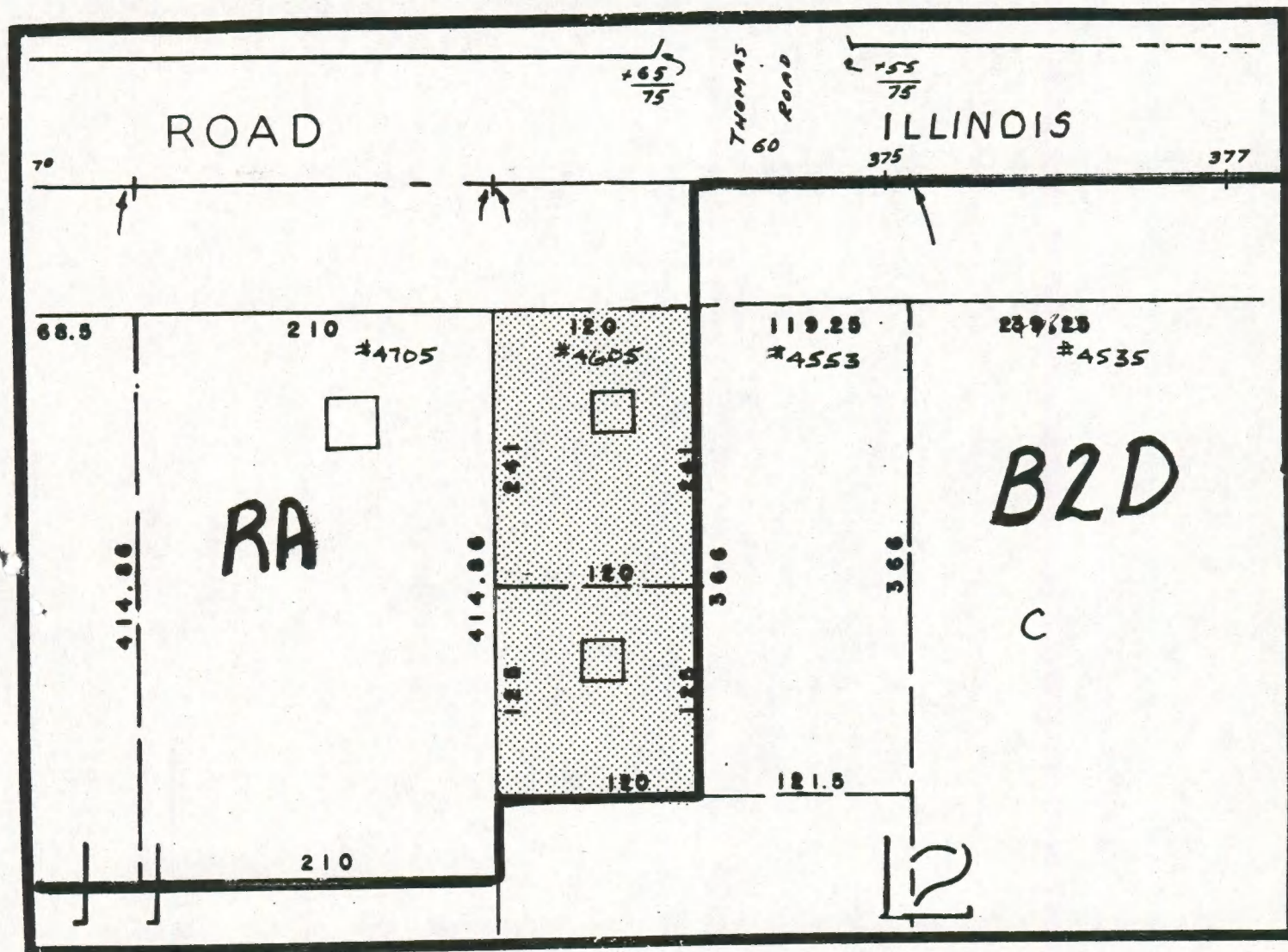
Sandra E. Kennedy
Sandra E. Kennedy
City Clerk

REZONING PETITION # 276

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN RA DISTRICT TO A B3B DISTRICT.

MAP NO. F-2

COUNCILMANIC DISTRICT NO. 4



ZONING:

RA RESIDENCE 'A'
B2D REGIONAL SHOPPING CENTER

LAND USE:

☐ SINGLE FAMILY
C COMMERCIAL

SCALE: 1" = 100'

DATE: 5-1-87

